

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

3rd for the
 District of UTAH
Civil Division

Case: 4:21-cv-00111
 Assigned To : Nuffer, David
 Assign. Date : 11/17/2021
 Description: Poulson v. Cook et al

Palmer Baker
 representing
Kermit Ty Poulson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Brad Cook, President
Snow College employees

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

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 U.S. DISTRICT COURT

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Kermit Ty Poulsen
 Address 110 N. 460 E
Ephraim UT 84627
City State Zip Code
 County Sanpete
 Telephone Number (435) 283-4715
 E-Mail Address Kermitpoulsen17@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Brad Cook
 Job or Title (if known) President, Snow College
 Address 150 S. College Ave
Ephraim UT 84627
City State Zip Code
 County Sanpete
 Telephone Number (435) 283-7200
 E-Mail Address (if known) Brad.cook@snow.edu
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Derek Walk
 Job or Title (if known) Snow College Public Safety
 Address 150 S. College Ave
Ephraim UT 84627
City State Zip Code
 County Sanpete
 Telephone Number (435) 283-7170, (435) 340-1311
 E-Mail Address (if known) Derek.walk@snow.edu
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name

STACI Taylor

Job or Title (if known)

Title IX Coordinator

Address

150 S. College Ave

Ephraim

City

VT

State

84627

Zip Code

County

Sanpete

Telephone Number

(435) 283-7120

E-Mail Address (if known)

staci.taylor@snw.edu

☒ Individual capacity☒ Official capacity

Defendant No. 4

Name

Barbara Dalene

Job or Title (if known)

ADVISEMENT STAFF

Address

150 S. College Ave

Ephraim

City

VT

State

84627

Zip Code

County

Sanpete

Telephone Number

(435) 283-7309

E-Mail Address (if known)

Barbara.Dalene@snw.edu

☒ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

THE ADA BARS EMPLOYMENT AND EDUCATIONAL DISCRIMINATION AGAINST “QUALIFIED INDIVIDUALS WITH DISABILITIES”. TITLE II OF THE ADA APPLIES SPECIFICALLY TO EDUCATIONAL INSTITUTIONS.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

→ requiring them to make educational opportunities, extracurricular activities, AND facilities →

retaliation for the use of Freedom of Speech,
AND HATE CRIME! motive, SNOW college employees do
NOT want to let me finish my SNOW college degree
By Breching Discriminational, Libel, Slander, Defamation

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All have used my Bipolar Disorder, AND PARALYSIS
AND expression of Being Anti-Racist, AND
Also ANTI-FASCIST to prevent me from
entering SNOW college, AND F'm Being

III. Statement of Claim

Followed, AND Questioned By Police Derek Walk,
State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

SNOW college NOYES Bldg, Floor 3, office of STACI
Taylor, I went to File Title IX, Because of lies
From Liam Herbert, Harassment By Barbara
Paleno, and others telling me I "can't go to college,"

- B. What date and approximate time did the events giving rise to your claim(s) occur?

OCT 30, 2021, NOVEMBER 3, 2021
AFTERNOON, AFTERNOON.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I WAS HARASSED BY BARBARA PALENO, WHO TOLD
ME THAT "RETARDED CRIPPLES" DON'T GET INTO COLLEGE,
SHE SAID, "I'll see that you DON'T get INTO SNOW"
THEN I WAS HARASSED BY DEREK WALK, AND OFFICER
CHRISTIANSEN, AFTER AUDITIONS, AND THEN, I Filed A
Title IX, AND STACI TAYLOR LIED to OFFICER DEREK WALK
claiming that I "make Bombs," I DON'T make
BOMBS, THEN I WAS HARASSED BY DEREK WALK →

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I. MENTAL ANGUISH, Depression, mental pain and suffering, emotional distress of intentional infliction of emotional distress by Derek Walk, by conduct outrageous against the ADA, and title II, conduct by snow college staff Barbara Palene was intended to cause severe emotional distress, by now I'm in counseling, and I have a counselor, AND I AM SUICIDIAL A LOT, AND DEPRESSED CONSTANTLY,

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

THESE PEOPLE HAVE DISRUPTED MY ROUTINE OF PLAYING MUSIC, AND ADDED A HIGH DEGREE OF PSYCHOLOGICAL PAIN THAT IS MORE THAN ANGER, EMBARRASSMENT, VEXATION, ANXIETY, OR WORRY, I AM REQUESTING \$250K IN PAIN AND SUFFERING, IN COMPENSATORY DAMAGES FOR LIBEL, SLANDER, DEFAMATION, AND MENTAL AND PSYCHOLOGICAL DAMAGES,

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

K. Ty Poulson 11/15/2021

Signature of Plaintiff

K. Ty Poulson

Printed Name of Plaintiff

K. TY POULSON

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address